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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
DAVID BUSBY,
Defendant.

No. CR 11-0188 SBA

**STIPULATION AND ORDER TO
CONTINUE STATUS CONFERENCE
TO DECEMBER 4, 2012 AND TO
EXCLUDE TIME**

The parties are scheduled to appear before the duty magistrate for a status conference on November 13, 2012. Defense counsel will be in trial on that date and will be unable to appear. For this reason, with the agreement of counsel for both parties and the defendant, the parties now stipulate and ask the Court to find and hold as follows:

1. The status conference before the duty magistrate in this matter set for Tuesday, November 13, 2012 is continued to on Tuesday, December 4, 2012, at 9:30 a.m.

2. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from November 13, 2012 to December 4, 2012. Failure to grant the requested continuance would unreasonably deny the defendant continuity of counsel and deny defense

1 counsel reasonable time necessary for effective preparation, taking into account the exercise of
2 due diligence and the need for defense counsel to review discovery and conduct investigation
3 related to the pending charges in this case, including the additional review of electronic evidence
4 being made available to the defense at a government facility.

5 3. Given these circumstances, the Court finds that the ends of justice served by
6 excluding the period from November 13, 2012 to December 4, 2012, outweigh the best interest
7 of the public and the defendant in a speedy trial and filing of an indictment or information. 18
8 U.S.C. § 3161(h)(7)(A).

9 4. Accordingly, and with the consent of the defendant, the Court orders that the period
10 from November 13, 2012 to December 4, 2012, be excluded from Speedy Trial Act calculations
11 under 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

12
13 IT IS SO STIPULATED.

14
15 DATED: November 9, 2012

/s/
NED SMOCK
Counsel for David Busby

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17
18 DATED: November 9, 2012

/s/
BRIAN C. LEWIS
Assistant United States Attorney

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20 IT IS SO ORDERED.

21
22 DATED: 11/9/2012



DONNA M. RYU
United States Magistrate Judge